

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

Jeffrey Kerr)	
<i>et al.</i> ,)	
)	
)	
Petitioners,)	
)	
)	
v.)	No. 1:11mc44 (LMB/TRJ)
)	
)	
Robert E. Tardif, Jr.)	
a/t/f Jason Yerk,)	
)	
)	
Respondent.)	
)	

O R D E R

Under advisement is petitioners' motion to quash (no. 1), which has been fully briefed, and which was argued by petitioners (respondent having failed to appear).

This situation was a waste of the court's time as well as that of petitioners. Under the circumstances presented, petitioners had little choice but to litigate the motion through to conclusion, a result that respondent could have avoided by withdrawing frivolously issued, invalid subpoenas.

Because the court finds that the subpoenas in question were patently invalid, the motion is GRANTED. The court finds that counsel fees should be awarded, for the reasons stated from the bench. The court does not find that additional sanctions are appropriate. Respondent may submit a memorandum on the reasonableness of the counsel fees requested within fourteen (14) days.

It is so ORDERED.

ENTERED this 17th day of January, 2012.

/s/

Thomas Rawles Jones, Jr.
United States Magistrate Judge

Alexandria, Virginia